

**Examples of Transportation Not Requiring Motor Carriers to Register with the Federal
Motor Carrier Safety Administration (FMCSA)
(49 CFR § 392.9a)**

October 11, 2002

As a general rule of thumb, motor carriers performing interstate or foreign commerce for compensation (for-hire) are required to register with the Federal Motor Carrier Safety Administration (FMCSA). In other words, they are required to obtain operating authority designated by an “MC” number (for U.S. and Canadian motor carriers) or “MX” number (for Mexican motor carriers). However, there are certain types of transportation that have been exempted from the registration requirements except that all Mexican for-hire and private motor carriers are required to register regardless of the nature of the transportation, commodity transported, etc.

Below are descriptions of various exemptions, as well as discussion on some types of transportation to further explain whether or not they require a motor carrier to be registered. These descriptions and discussions are applicable to U.S. and Canadian motor carriers only.

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Commercial Zones and Terminal Areas

The transportation of passengers or property within areas surrounding a municipality (commercial zone or terminal area), in interstate or foreign commerce, when not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone, is exempt. When transporting passengers over a route between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State, the transportation is exempt only if the motor carrier operating the motor vehicle also is lawfully providing intrastate transportation of passengers over the entire route under the laws of each State through which the route runs. See 49 U.S.C. § 13506(b).

If a motor carrier is moving loaded containers from/to a port location within the same state and the transportation is on a “through” bill of lading, i.e., a common arrangement for the continuous carriage of the shipment from point of origin to point of destination, the motor carrier is required to be registered. Note that the motor carrier movement of empty containers is exempt (49 U.S.C. § 13506(a)(11)).

Commodities

Many commodities, otherwise subject to economic regulation, have been exempted from such regulation. Administrative Ruling No. 119 is a compilation of commodities and indicates whether a particular commodity is “exempt” or “not exempt.” This administrative ruling can be found at the FMCSA Web site: <http://www.fmcsa.dot.gov/pdfs/adminrule.pdf>. See also 49 CFR § 372.115, Administrative Ruling No. 133, which specifically lists commodities which are not exempt.

Hawaii

Transportation, except transportation of household goods, by a motor carrier operating solely within the State of Hawaii, is exempt. The State of Hawaii may regulate transportation exempt from jurisdiction when being provided by a motor carrier operating solely within the State of Hawaii and when the transportation is conducted within a terminal area (49 USC § 13504).

Miscellaneous Exemptions in 49 U.S.C. § 13506

Transportation:

- (a) (1) of school children and teachers to or from school (for school attendance or school-sponsored activities).
- (2) by taxicab service in a vehicle having a capacity of not more than six passengers and not operated on a regular route or between specified places.
- (3) of hotel patrons in a motor vehicle owned or operated by or for a hotel between the hotel and the local station of a carrier.
- (4) in a motor vehicle controlled and operated by a farmer and transporting the farmer's agricultural or horticultural commodities and products; or supplies to the farm of the farmer.
- (5) in a motor vehicle controlled and operated by an agricultural cooperative subject to specified limitations.
- (6) by motor vehicle of:
 - (A) ordinary livestock;
 - (B) agricultural or horticultural commodities (other than manufactured products thereof;
 - (C) commodities listed in Commodity List incorporated in ruling numbered 107;
 - (D) cooked or uncooked fish and frozen or fresh shellfish for human consumption;
 - (E) livestock and poultry feed and agricultural seeds and plants if transported to an agricultural site or business enterprise engaged in the sale to agricultural producers of goods used in agricultural production.
- (7) in a motor vehicle used only to distribute newspapers.
- (8)
 - (A) of passengers by motor vehicle incidental to transportation by aircraft (see discussion under [Passenger Transportation Incidental to Transportation by Aircraft](#));
 - (B) of property (including baggage) by motor vehicle as part of a continuous movement;

(C) of property by motor vehicle in lieu of transportation by aircraft because of adverse weather conditions or mechanical failure of the aircraft or other causes due to circumstances beyond the control of the carrier or shipper.

(9) of a motor vehicle in a national park or national monument.

(10) in a motor vehicle carrying not more than 15 individuals in a single, daily roundtrip to commute to and from work.

(11) of used pallets and used empty shipping containers (including intermodal cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles).

(12) of natural, crushed, vesicular rock to be used for decorative purposes.

(13) of wood chips.

(14) arrangements made by passenger transportation brokers.

(15) of broken, crushed, or powdered glass.

(b) (1) see commercial zone exemption discussion

(2) by motor vehicle provided casually, occasionally, or reciprocally but not as a regular occupation or business.

(3) by the emergency towing of an accidentally wrecked or disabled motor vehicle. (Towing vehicles from other than the accident or disablement site is not exempt.)

Private Carriage

FMCSA has no economic regulatory jurisdiction over the transportation of property by motor vehicle when--(1) the property is transported by a person engaged in a business other than transportation; and (2) the transportation is within the scope of, and furthers a primary business (other than transportation), of the person. Also, FMCSA has no jurisdiction over the transportation of property by motor vehicle for compensation provided by a person who is a member of a corporate family for other members of such corporate family. A Corporate family means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100 percent interest (49 USC § 13505(b)).

FMCSA does have jurisdiction with respect to the Federal Motor Carrier Safety Regulations over private carriers as provided in Title 49 CFR, Subchapter B.

Passenger Transportation Incidental to Transportation by Aircraft

The exemption at 49 USC § 13506(8)(A) is promulgated under 49 CFR § 372.117 and applies to transportation of passengers having an immediately prior or subsequent movement by air. The exemption is limited to an area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart and by the boundaries of the commercial zones of any municipalities any part of whose commercial zones falls within the 25-mile radius of the pertinent airport. In addition to the 25-mile exemption, there are three exempt zones with defined boundaries: (1) Dulles and Baltimore-Washington International Airports; (2) Savannah, Georgia Airport; and (3) Chicago O'Hare International Airport. Passenger transportation from the airport within a single state where there is no common arrangement between the airline and the motor passenger carrier (through ticket arrangement) is intrastate commerce and not subject to FMCSA jurisdiction.

Substituted Motor-for-Air Transportation of Passengers Due to Emergency Conditions

Transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft if it constitutes substituted motor-for-air service performed at the expense of the air carrier in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the air carrier (49 CFR 372.117(b)).

TOFC/COFC Service

Rail TOFC/COFC (trailer-on-flatcar/container-on-flatcar) service and highway TOFC/COFC service provided by a rail carrier either itself or jointly with a motor carrier as part of a continuous intermodal freight movement is exempt, regardless of the type, affiliation, or ownership of the carrier performing the highway portion of the service. Motor carrier TOFC/COFC pickup and delivery services arranged independently with the shipper or receiver (or its representative/agent) and performed immediately before or after a TOFC/COFC movement provided by a rail carrier are similarly exempt (49 CFR § 1090.2).